

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON APPLICATION BY RUSSELL S. BROAD AND OTHERS, PARCELS R-7, R-7A, SOUTH END URBAN RENEWAL AREA, FOR APPROVAL OF THE REDEVELOPMENT PROJECT AND CONSENT TO THE FORMATION OF RUTLAND HOUSING ASSOCIATES.

A. The Hearing. A public hearing was held at 2:30 P. M.

on August 13, 1970, in the offices of the Boston Redevelopment Authority (hereinafter called "the Authority") in Room 900 at City Hall, Boston, Massachusetts, by the Authority on an Application (hereinafter called "the Application") filed by Russell S. Broad, Henry G. Kiggen and Henry E. Helms, (hereinafter called "the Applicants") for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of Massachusetts and Chapter 652 of the Acts of 1960, as amended, (hereinafter called "the Project"), and for consent to the formation of Rutland Housing Associates, a limited partnership to be organized under the provisions of said Chapter 121A for the purpose of undertaking and carrying out the Project, due notice of said hearing having been given previously by publication on July 29 and August 5, 1970 in the Boston Herald Traveler, a daily newspaper of general circulation published in Boston, and mailing postage prepaid, in accordance with Rule 8 of the Rules and Regulations of the Authority for securing the approval of Chapter 121A Projects, and in accordance with the provisions of Section 13 of Chapter 652

of the Acts of 1960, as amended. Rt. Rev. Msgr. Francis J. Lally, Chairman of the Authority, and James G. Colbert, Patrick Bocanfuso, and Robert Farrell, members of the Authority were present throughout the hearing.

B. The Project. The Project consists of the purchase by Rutland Housing Associates of South End Urban Renewal Area Disposition Parcels R-7 and R-7A (hereinafter called "the Project Area"), and the construction, operation and maintenance thereon of two apartment buildings consisting of approximately 44 dwelling units with appurtenant facilities including landscaping, walkways, driveways, and such on-site parking facilities as will provide eight parking spaces. Said Parcels R-7 and R-7A are shown on Plans of Land entitled "Plan of Land in Boston Delivery Parcel R-7 of South End Urban Renewal Area Project No. Mass. R-56", and "Plan of Land in Boston Delivery Parcel R-7A of South End Urban Renewal Area Project No. Mass. R-56", each prepared by Charles A. Maguire and Associates. (Exhibit B of the Application)

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing and the arguments and statements made at the hearing. The members of the Authority have also viewed the

Project Area.

D. Amendments to Application. Subsequent to the public hearing, but prior to the adoption of the "Report and Decision" by the Authority, the Applicants proposed to amend the Application and certain exhibits filed therewith. The Amendments are enumerated below:

1. Amendment to the Application:

- a. Amend Paragraph 1 by striking out the name of the Rutland Corporation as an organizer of the Limited Partnership, and substitute in lieu thereof the name of the Cordland Corporation. This reflects a change of name only.
- b. Amend Paragraph 1 by adding the name of Henry E. Helms, individual, Applicant, as an organizer of the Limited Partnership.
- c. Amend Paragraph 8 by striking out the figure One Million Fifty Thousand Dollars (\$1,050,000.00) as the cost of the Project and substitute in lieu thereof the figure One Million One Hundred Fifty Thousand Dollars (\$1,150,000.00). This reflects an increase in the FHA commitment.
- d. Amend Paragraph 10 by striking the name of the Rutland Corporation as a general partner and

substitute in lieu thereof the name of the
Cordland Corporation.

- e. Amend Paragraph 10 by adding the name of Henry
E. Helms, individual as a General Partner.

2. Amendment to Exhibits:

- a. Amend Page 5 of Exhibit G by striking out the
words "B. Upon Completion:" from their present
location and by inserting the words "B. Upon
Completion:" below the words "Fair cash value
of land".

The Authority finds that the above proposed Amendments to
the Application are not fundamental and that a new public hearing
is not required pursuant to Chapter 652, Section 13, of the Acts
of 1960, as amended.

E. The Project Area. The Project as defined in the
Application constitutes a "Project" within the meaning of said
Chapter 121A, Section 1, of the General Laws, providing, as it
does, for the construction, operation and maintenance of decent,
safe and sanitary residential buildings in part of a larger area
which was previously declared to be a substandard and decadent
area under Chapter 121 of the General Laws by the Authority on
September 23, 1965. This finding was concurred in by the Boston
City Council in its resolution approving the South End Urban

Renewal Plan, and by the State Housing Board, and the Project Area was taken by the Authority by eminent domain in part, and by purchase in part, in furtherance of said Urban Renewal Plan.

Conditions exist which warrant the carrying out of the Project in accordance with the legislative mandate contained in Chapter 121A of the General Laws and the Application constitutes a "project" within the meaning of that law. As stated above, the Project Area is included within a larger area which the Authority has already found to be substandard and decadent under the provisions of Chapter 121 and has been taken by eminent domain in part and purchase in part. The purposes of Chapter 121A and Chapter 652 of the Acts of 1960, as amended, will be met by the carrying out of the Project as it will provide desirable housing accommodations for low and moderate income families, especially those with children, of which there is a serious shortage in Boston.

F. Cost of the Project. In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable. The Applicants have applied for a mortgage insurance commitment from the Federal Housing Administration to insure the mortgage in the amount of \$980,200.00 under Section 221(d)(3) of the National Housing Act. All of the funds which will be required in addition to those obtained from the Federal Housing Administration mortgage financing

are already available to the Applicants. Simultaneously with the execution of the Land Disposition Agreement between the Authority and Rutland Housing Associates, Rutland Housing Associates will deposit with the Authority 20% of the purchase price for the Project Area and the balance of said purchase price will be paid simultaneously with the conveyance of the Project Area by the Authority to Rutland Housing Associates.

G. Master Plan. The Project does not conflict with the Master Plan of the City of Boston. In resolutions adopted by the Authority on September 23, 1965, in approving the South End Urban Renewal Plan, it was found and determined that such Urban Renewal Plan conforms to the Master Plan, as amended, for the locality. The Project conforms to the South End Urban Renewal Plan, as amended.

H. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City or to the public safety or convenience or be inconsistent with the most suitable development of the City. The Project will in fact forward the best interests of the City and will constitute a public use and benefit. The structures to be erected under the Project are attractive and efficiently designed apartment buildings with ample light and air and appurtenant green spaces and will enhance the general appearance of the Area and furnish attractive

and necessary accommodations for families of low and moderate income.

Exhibit G of the Application sets forth amounts to be paid by agreement by the 121A Corporation to the City of Boston, in addition to the excise prescribed by Section 10 of Chapter 121A.

The carrying out of the Project will not of itself involve the destruction of buildings occupied in whole or in part as dwellings, since such demolition has been completed by the Authority in carrying out its Urban Renewal Plan referred to above. All of the families formerly resident in the Project Area have already been satisfactorily relocated. The Project will provide approximately 44 new dwelling units within the Project Area.

The Project Area does not include land within any location approved by the State Department of Public Works for the extension of the Massachusetts Turnpike into the City of Boston.

I. Minimum Standards. The minimum standards for financing, construction, maintenance, and management of the Project as set forth in Exhibit D filed with and attached to the Application are hereby adopted and imposed as rules and regulations (in addition to those hereinafter adopted and imposed) applicable to the Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended. The Authority hereby approves any financing

made pursuant to Paragraph 11 of the Application which is insured by the Federal Housing Administration.

The carrying out of the Project will not require the erection, maintenance, and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private hospital having more than twenty-five beds, or as a Church.

The Application contains no request that the Authority declares the units separate buildings for the purposes of Chapter 138 of the General Laws.

J. Deviations. Exhibit E filed with and attached to the Application, sets forth the following requests for the Project to deviate from zoning and other regulations in effect in the City of Boston:

I. Zoning Codes

1. Permission is sought to deviate from Article 15 of the Zoning Code requiring a floor-site area ratio of 2.00. For site 7, the floor area ratio is 2.30; for site 7A, the floor area ratio is 2.05.
2. Permission is sought to deviate from Article 21 of the Zoning Code requiring a minimum setback of a parapet to be 20 to 23 feet. The parapet, flush with the exterior wall, has a setback of 5 to 10 feet.

3. Permission is sought, because of the limited area remaining after construction of the buildings, to deviate from Article 23 of the Zoning Code which requires a minimum of 31 parking spaces to the extent that 8 such spaces will be provided.
4. Permission is sought to deviate from Article 10-1 of the Zoning Code prohibiting parking within the front yard or within five feet of the lot line with respect to Site 7 due to the small dimensions of the lot.
5. Permission is sought to deviate from Article 18-3 of the Zoning Code with respect to Site 7 and Site 7A based upon the lack of traffic on West Concord and Rutland Streets.
6. Permission is sought to deviate from Article 18-4 of the Zoning Code with respect to Site 7 and Site 7A requiring a minimum front yard footage due to the structure of the proposed building and the small dimensions of the lots.

II. Building Codes

1. Permission is sought for the ceiling heights of the proposed buildings to deviate from Section 1007(b) of the Building Code which

requires that rooms in apartments shall be at least 8 feet high in half the required area.

The ceiling heights are under eight feet, but not lower than seven feet six inches.

2. Permission is sought to permit the two openings in the basement firewalls to remain open for convenient passage by the tenants. Section 1302 of the Building Code requires that such openings be closed.
3. Permission is sought to permit the use of one bedroom window in each unit as a means of egress on to the horizontal exits. Section 1807 of the Building Code prohibits such use.
4. Permission is sought for the wall-up units to deviate from Section 1808(6) of the Building Code which specifies that in buildings more than three stories high with flat roofs, at least one interior stairway or ramp shall extend to the roof only to the extent that such stairway leading from the fourth story to the bilco-type roof hatch is on unenclosed steel ladder.
5. Permission is sought to waive the provisions of Section 1812(a), 1812(g) and 1815(g) prohibiting

the use of fire egress connecting two apartments in new construction. The proposed buildings were designed to conform to existing structures in the neighborhood and to be proportional to the size of the lots.

6. Permission is sought to waive the provisions of Section 1818 of the Building Code requiring the installation of exit lights due to the limited number of units in each proposed building.
7. Permission is sought to waive the provisions of Sections 1005 and 1819(c) and Section X of the Commonwealth of Massachusetts B-1 Regulations requiring the installation of emergency lights in exit stairs because each unit exits directly onto the stairwell.

The Authority is satisfied, by reliable and generally accepted tests, or by experience in other cities, and on other FHA projects, that the designs, construction, materials, apparatus, equipment or methods specified in the Application and supporting documents, and in the evidence presented at the hearing will sufficiently satisfy the purpose for which it or they are to be used and the intent and purposes of the applicable laws, codes, ordinances, or regulations, respectively.

The Authority hereby grants permission for the Project to deviate from such zoning and other regulations in effect in the City of Boston as set forth in Exhibit E filed with and attached to the Application, and listed above.

The Authority hereby finds that the Application, as amended and the Project conform to and comply with each and every applicable requirement of Chapter 121A of the General Laws, Chapter 652 of the Acts of 1960, as amended, and the applicable Rules and Regulations of the Authority, and the Authority for these reasons and for the reasons set forth in the Application, as amended and supporting documents, and the evidence presented at the hearing, and in this report, hereby approves the Project and consents to the formation of Rutland Housing Associates, as requested in the Application, as amended and consents to the filing of the Articles of Organization for such limited partnership substantially in the form annexed to said Application, as amended.

MEMORANDUM

TO: BOSTON REDEVELOPMENT AUTHORITY

1743 10/8
OCT 8 1970

FROM: JOHN D. WARNER, DIRECTOR

SUBJECT: REPORT AND DECISION ON CHAPTER 121A APPLICATION
BY RUSSELL S. BROAD AND OTHERS
DISPOSITION PARCELS R-7, R-7A AND OTHERS
SOUTH END PROJECT NO. MASS. R-56

SUMMARY: This memorandum requests that the Board adopt the Report and Decision approving the 121A Redevelopment Project for Parcels R-7, R-7A in the South End Urban Renewal Area, and consenting to the formation of Rutland Housing Associates.

A public hearing was held by the Authority on August 13, 1970, on an Application filed by Russell S. Broad and Others for authorization and approval of a Redevelopment Project under Chapter 121A of the Massachusetts General Laws and Chapter 652 of the Acts of 1960, as amended, and for consent to the formation of Rutland Housing Associates, a limited partnership to be organized under the provisions of Section 18c of said Chapter 121A for the purpose of undertaking and carrying out the Project.

The 121A Application has been examined and found to contain sufficient evidence in support of the proposed development to permit the Authority to proceed with the adoption of the attached Report and Decision approving the Project.

The proposal calls for the construction of badly needed low-moderate income rental housing in the South End area. As stated in the Application, two four-story apartment buildings are to be built, containing a total of 44 dwelling units ranging from one bedroom to four bedrooms. Approximately 30% of the units will be made available to very low income families through a long term lease, or similar arrangement, with the Boston Housing Authority.

A firm commitment for an FHA 221(d)(3) mortgage in the amount of \$980,200.00 has already been issued. An FHA initial closing will be scheduled shortly, with construction to commence immediately thereafter.

I therefore recommend that the Authority adopt the Report and Decision approving the Project for Parcels R-7 and R-7A, and consenting to the formation of Rutland Housing Associates.

An appropriate Vote follows:

VOTED: That the Document presented at this meeting entitled: "Report and Decision on Application by Russell S. Broad and Others, Parcels R-7 and R-7A, South End Urban Renewal Area and Approval of the Redevelopment Project and Consent to the Formation of Rutland Housing Associates" be and hereby is approved and adopted.

